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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Donnie Gross

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EXAMINER

SAWAGED, SARI S

ART UNIT

PAPER NUMBER

2423

MAIL DATE

DELIVERY MODE

12/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/677,295	GROSS, DONNIE	
	<b>Examiner</b>	<b>Art Unit</b>	
	SARI SAWAGED	2423	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claim 1-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 2, 3, 7, 8, 9, 10, 12, 13, 14, 18, 19, 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Vitale et al. (hereinafter referred to as Vitale) (US Pat. No. 7,111,318).**

#### **Claim 1:**

Vitale discloses a method of monitoring activities performed at a cable television tap, the method comprising the steps of:

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determining whether technician data is read (see col. 16 ll. 52- col. 17 ll. 3; Vitale discloses that technician identification is entered by the technician and is read by a controller of an apparatus. The act of determining whether technician data is read is performed because the controller doesn't proceed to step 260 unless technician data is read).

storing the technician data in association with an access time and an access date upon determining that the technician data is read (see fig. 10 and col. 18 ll. 18-25; Vitale discloses that the technician data is stored in a "test data file" in association with a "date and time stamp" when the network location is accessed and tests are performed)

providing data a remote location (see fig. 8 and col. 5 ll. 14-19 "transmit test data file to central controller" which is located at the head-end)

associating the data with the cable television tap (see fig. 8-410 and col. 10 22-32 and col. ; Vitale discloses associating the data with a network location ID and an entity type field which can include street taps 20 shown in fig. 1).

**Claim 12:**

Vitale discloses a system for monitoring activities performed at a cable television tap, the system comprising:

A controller (see Fig. 2 controller 36) operable to determine whether technician data is read (see col. 16 ll. 52- col. 17 ll. 3; Vitale discloses that technician identification is entered by the technician and is read by a controller 36 of an apparatus. The act of determining whether technician data is read is performed because the controller doesn't proceed to step 260 unless technician data is read);

A memory, coupled to the controller, operable to store the technician data in association with an access time and an access date upon the determination that the technician data is read (see fig. 10 and col. 18 ll. 18-25; Vitale discloses that the technician data is stored in a "test data file" in association with a "date and time stamp" when the network location is accessed and tests are performed. Therefore a memory is inherent to the invention of Vitale); and

A communication medium, coupled to the controller, operable to provide data to a remote location (see Fig. 2 "COMM. CKT");

Wherein the controller is operable to associate the data with the cable television tap (see fig. 8-410 and col. 10 22-32 and col. ; Vitale discloses associating the data with a network location ID and an entity type field which can include street taps 20 shown in fig. 1).

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**Claims 2, 13:**

Vitale discloses generating a sensor signal (see col. 11 ll. 40-42 and col. 7 ll. 13-16; Vitale discloses alarm signals being generated by automated CATV network monitoring devices indicating alarm conditions in the CATV network 10, which reads on “generating a sensor signal”, and “changed status”)

**Claims 3, 14:**

Vitale discloses storing the access time and the access date in response to the sensor signal (see col. 7 ll. 15-17 and Fig. 10; Vitale discloses that trouble tickets arise from the alarm signals generated by the automatic CATV network monitoring devices. Technicians access these network locations in response to the alarm signals and perform tests, wherein the date and time these locations are accessed are stored as shown in 445).

**Claims 7, 18:**

Vitale discloses wherein the data is provided upon request (see fig. 10 -475, wherein the technician transmits the data to the head-end using command choices -420, which reads on wherein the data is provided upon request)

**Claims 8, 19:**

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Vitale discloses receiving the data at a computer at the remote location (see central control system 42, col. 5 ll.10-48 which is coupled to the “communication medium 40” in fig. 2)

**Claims 9, 20:**

Vitale discloses generating a report based in part on the provided data (see “test data file” and “new level data file” col. 18 ll. 18 – col. 19 ll. 3)

**Claims 10, 21:**

Vitale discloses reading technician data (see col. 16 ll. 2-7 and col. 16 ll. 52- col. 17 ll. 3; Vitale discloses that technician identification is entered by the technician via a user interface and is read by a controller 36 of the apparatus. The user interface in conjunction with the controller 36 comprise the reader)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 4, 5, 11, 15, 16 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vitale in view of Kim (of record).**

**Claims 4, 11, 15, 22:**

Vitale discloses a method of monitoring activities performed at a cable television tap, the method comprising the steps of:

determining whether technician data is read (see col. 16 ll. 52- col. 17 ll. 3; Vitale discloses that technician identification is entered by the technician and is read by a controller of an apparatus. The act of determining whether technician data is read is performed because the controller doesn't proceed to step 260 unless technician data is read).

storing the technician data in association with an access time and an access date upon determining that the technician data is read (see fig. 8 and col. 18 ll. 18-25; Vitale discloses that the technician data is stored in a "test data file" in association with a "date and time stamp" when the network location is accessed and tests are performed)

providing data a remote location (see fig. 8 and col. 5 ll. 14-19 "transmit test data file to central controller" which is located at the head-end)



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associating the data with the cable television tap (see fig. 8-410 and col. 10 22-32 and col. ;Vitale discloses associating the data with a network location ID and an entity type field which can include street taps 20 shown in fig. 1).

Vitale doesn't disclose "determining whether a port status has been modified"

Kim, an inventor from the same or a similar field, discloses determining whether a port status is in its normal state or whether it has been modified for the benefit of monitoring/testing/repairing the drop line to the customer (see "line break", "short circuit state", "unauthorized communication line sharing" p. 6 ll. 27-p.7 ll. 10 and "normal state" p. 9 ll. 20-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of monitoring activities performed at a cable television tap of Vitale with the method of determining whether a port status has been modified for the benefit of monitoring/repairing drop lines, as disclosed by Kim.

**Claims 5, 16:**

Vitale discloses storing the status (pass/fail) of a CATV network entity (such as a tap (shown as 20 in fig. 1), a subscriber drop line (shown as 21 in Fig. 1), or a

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distribution node) (which is included in the work assignment data file shown in fig. 8-265) in association with the access time and the access date shown in fig. 8-297 (see also col. 10 ll. 28-32 and col. 20 ll. 50-55)

Vitale doesn't disclose storing the modified port status upon determining the port status has been modified

Kim, discloses determining whether a port status is in its normal state or whether it has been modified for the benefit of monitoring/testing/repairing the drop line to the customer (see "line break", "short circuit state", "unauthorized communication line sharing" p. 6 ll. 27-p.7 ll. 10 and "normal state" p. 9 ll. 20-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of storing status information in association with the access time and the access date of Vitale with the method of determining whether a port status has been modified for the benefit of monitoring/testing/repairing the drop line to the customer.

**6. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vitale in view of Crowley et al. (hereinafter referred to as Crowley) (US Pat No. 5,555,015).**

**Claims 6 and 17:**

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Vitale discloses a method of monitoring activities performed at a cable television tap, the method comprising the steps of:

determining whether technician data is read (see col. 16 ll. 52- col. 17 ll. 3; Vitale discloses that technician identification is entered by the technician and is read by a controller of an apparatus. The act of determining whether technician data is read is performed because the controller doesn't proceed to step 260 unless technician data is read).

storing the technician data in association with an access time and an access date upon determining that the technician data is read (see fig. 8 and col. 18 ll. 18-25; Vitale discloses that the technician data is stored in a "test data file" in association with a "date and time stamp" when the network location is accessed and tests are performed)

providing data a remote location (see fig. 8 and col. 5 ll. 14-19 "transmit test data file to central controller" which is located at the head-end)

associating the data with the cable television tap (see fig. 8-410 and col. 10 22-32 and col. ; Vitale discloses associating the data with a network location ID and an entity type field which can include street taps 20 shown in fig. 1).

Vitale doesn't disclose wherein the data is provided at a predetermined time interval.

Crowley, an inventor from the same or a similar field, discloses a method wherein the a head-end via a "cable control station 5" periodically polls devices connected to the CATV system, such as taps, amplifiers, etc., wherein the devices include micro-response transmitting units that generate information regarding the operation state of the devices and transmit this data back to the head-end. The response to the periodic polling reads on "data is provided at a predetermined time interval" (see col. 4 ll. 54-63 and col. 5 ll. 1-6 and col. 6 ll. 21-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of monitoring activities at a television tap and providing data to a remote location of Vitale with the method wherein data is provided at a predetermined time interval of Crowley for the benefit of periodically receiving the operational state of CATV components as disclosed by Crowley.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARI SAWAGED whose telephone number is (571)270-5085. The examiner can normally be reached on Mon-Thurs, 9:00AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDREW KOENIG can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sari Sawaged/  
Examiner, Art Unit 2423

/Andrew Y Koenig/  
Supervisory Patent Examiner, Art Unit 2423